

THE BASIS FOR OUR DEFENSE OF FORMOSA

The U. S. Can Invoke Both International Law and Morality

G. F. HUDSON

SIR WINSTON CHURCHILL once said that the rulers of the Soviet Union do not want war, but they want the fruits of war. By this he meant that, without a real intention to risk a mortal clash of arms, they endeavor to gain by bluster, truculence, and threats objectives such as are not normally to be reached by peaceful negotiation, but only by victory on the field of battle. The most striking example of this during the last decade has been the blockade of Berlin, when the Russians used every means short of actual shooting to force the Western Allies out of their legal rights of occupation in the German capital, but nevertheless refrained from the final step of armed attack on the airlift when they found they could not get their way by intimidation; had there been any flinching on the Western side—and there were frightened souls both in London and Washington who talked about a compromise in order to avert war—Moscow would relentlessly have pressed its advantage and the whole Western position in Germany would rapidly have become

untenable. Today an intense and menacing pressure is being applied in another quarter in the hope of adding to the domain of international Communism a piece of territory for which it is virtually certain that the Sino-Soviet bloc is not ready to embark on all-out war. In the present drive to compel the United States to retreat from its commitment in Formosa, as in the drive seven years ago to get the Western Allies out of Berlin, Communism seeks to exploit the Western peoples' horror of war and desire for a quiet life.

But there are significant differences between the current situation with regard to Formosa and that of 1948 in Western Europe—and they cut both ways. On the one hand, the strategic strength of the local defensive position is much greater in the Formosa Strait in 1955 than it was in Berlin or on the Elbe in 1948—and the prospects in an unlimited war probably at least no worse than they were then. On the other hand, the present political situation is undoubtedly more advantageous to the Communist bloc because of the policy rift between the United States and Britain over Formosa in contrast to the unity which they displayed in standing their ground in Germany.

G. F. HUDSON attempts here to answer some of the most crucial questions now facing the free world. What justifies our defense of Formosa? How seriously do we risk large-scale war by our resistance to Communist power over this issue? How strong is our strategic position in the locality? What kind of settlement of differences can we hope for, and what must be done—and not done—to increase the possibilities of a settlement? Mr. Hudson, director of the newly formed Center for Far Eastern Studies of St. Antony's College in Oxford, England, has contributed numerous articles to our pages analyzing the changing patterns of the great East-West conflict. His "The Communist Terms for Peaceful Co-Existence" appeared last month. Mr. Hudson, born in 1903, has studied in Japan and is the author of several books on the Far East.

STRATEGICALLY, it must be said that if there is any sector of the Free World's front against aggressive Communism that is eminently defensible, it is the island chain from Japan to the Philippines, including Formosa. In Europe, the Middle East, and the mainland area of Southeast Asia, Western strategy is faced with the problem of defending land frontiers against a superior military manpower that can theoretically be brought to bear against them; similarly in Korea, large ground forces had to be committed to battle in order to turn back an in-

vasion which could not be thwarted by sea and air power alone. But there is no reason why a single American infantry soldier should ever be involved in the defense of Formosa. It is far enough from the mainland of Asia to be defensible by that sea-air power in which it is reasonable to assume that the United States still possesses a superiority as marked as that which the Communist bloc would possess for the first round of a major war on land in Europe or Asia. Even the "offshore islands" close to the coast of China, about which the world has been so suddenly and alarmingly informed, would have a good chance of being held against attack by the Chinese Nationalists if American air cover were provided with sufficient determination. If, indeed, there were no other element in the situation than a Chinese Communist threat to take Formosa by force, there would be very little cause for anxiety. War may always produce unpleasant surprises, but as far as can be estimated on normal strategic assumptions, it is likely that the Chinese either will not dare to make a serious attempt to cross the Formosa Strait or, if they do, will suffer staggering losses without attaining their objective.

But in a situation such as this the question whether an enemy attack is likely to succeed is not the only issue involved. There is also the question whether the position is valuable enough to be worth defending, at even a relatively small cost in casualties and at even the very slightest risk of a spread of hostilities beyond the local conflict. There is the further question whether the cause for which a nation's armed forces are to be deployed is morally and legally justified. And there is the final consideration that, even if the nation directly concerned is convinced in its legislature and its public opinion that its cause is just, it has to take some account of contrary views and policies of other countries, especially when for other important purposes it is in alliance with those countries.

THE most dangerous and alarming feature of the present situation, in contrast to the previous crises over Berlin and Korea,

is the separation between the United States and Britain. Whereas the Soviet government has publicly pledged support in the most uncompromising fashion for Peking's demands for withdrawal of American forces from the Formosa Strait, the lack of unity between Washington and London is manifest to the world, and British public opinion is, in general, much more adverse to the American policy than the official attitude.

The absence of sympathy in Britain for the American stand on Formosa is not a new development; it goes back to the time of President Truman's original decision to seal off Formosa after the outbreak of war in Korea in the summer of 1950. A divergency of policies at that point was an inevitable sequel to the British recognition of the Chinese Communist regime earlier in the year. In retrospect the act of recognition appears as a decisive parting of the ways between British and American Far Eastern policies, but it should be emphasized that it was not so regarded at the time. The Truman administration, having cleared itself by the famous White Paper, to its own if not to everyone's satisfaction, from all responsibility for the collapse of the Chinese National government on the mainland, was leaving Formosa to its fate. The British Foreign Office understood that the State Department contemplated recognition of Communist China as soon as the time seemed ripe for it and would not object to Britain making the move first.

SINCE then the hearings before the McCarran Committee have disclosed the minutes of the conference of experts sponsored by the State Department in October 1949 which indicate that the Department indeed had a more than open mind on the subject. It appears likely that the original intention of President Truman and Mr. Acheson was to transfer diplomatic recognition to Peking after the mid-term Congressional elections of November 1950, delaying the act until then in view of the increasing restiveness of American public opinion on the subject of China.

But what neither the British nor the American government foresaw was the outbreak of war in Korea, which transformed the process of Communist expansion in the Far East from one of domestic subversion into one of direct military assault on a government which had been set up under the auspices of the United Nations. Although the conflict in Korea was held by the Communists and their friends to be, like the civil war in China, a purely domestic matter in which no outside power should interfere, President Truman took the view that a situation of international war had been created and took decisive steps to aid South Korea even before the Security Council (in the absence of the Russian veto) had made South Korea's cause that of the United Nations.

IT WAS as part of his decision to resist the Communist attack in Korea that President Truman moved to "neutralize" Formosa by interposing the Seventh Fleet between it and the Communist-held mainland of China. This step was not taken for the direct strategic requirements of the action in Korea, for even if the Chinese Communists had taken Formosa in 1950, it would not have enabled them directly to add to the threat against the American forces committed to Korea. But the President clearly recognized—as other Western governments should also have recognized—that the aggression which had produced the new crisis in the Far East was not North Korea's alone. Russia had armed North Korea; Communist China had just sent back "to defend their country" two battle-trained Korean divisions which had taken part in the Chinese civil war; both Russia and Communist China gave full moral support to North Korea from the first day of the invasion. Neither Russia nor Communist China could be regarded as genuine neutrals in the Korean war, and Peking's non-belligerent support for the aggressor was converted into full belligerency—under the ridiculous disguise of "People's Volunteers"—within four months of the initial North Korean attack.

Since the United States still recognized the Nationalist government in Taipeh as the legal government of China and had not yet transferred recognition to Peking, it had every right to give military assistance to the Chinese Nationalists against a power which was now also waging war against America. Britain, however, was in a different position; having extended *de jure* recognition to the Chinese Communist regime, and being unwilling for various reasons to admit a state of war with China, the British government declined to associate itself in any way with the American defense of Formosa. Detachment, however, need not mean disapproval, and there might have been a continuing situation in which the United States would have carried the Formosan burden alone, but without pressure from Europe to lay it down. What has in fact happened, on the other hand, has been a development of opinion and sentiment in Britain which has carried British policy more and more into opposition to the United States over China.

HAD the American protection of Formosa remained one of two-way "neutralization," it would have been difficult to represent it to anyone but a Communist or fellow-traveler as a policy of aggression. But during the Korean war American exasperation against Communist China led to "taking the wraps off Formosa," and thus in appearance America assumed responsibility for Nationalist adventures against the mainland. Although Washington in fact obtained assurances from Chiang Kai-shek that no campaign would be launched without consultation, the policy outwardly looked like the underwriting of any action that might be taken by the Nationalists in order to get back to power in China, and British opinion has been very ready to listen to the accusation that America is endangering the peace of the world by supporting the ambitions of a "busted war-lord." The small commando raids carried out by the Nationalists failed to convince anyone of the latter's military capacity, but they were sufficient to create a widespread impression that the Nationalists

were the aggressors and provokers in the fighting off the South China coast.

It has thus been easy to represent Communist China as the long-suffering victim of attacks against which it is at last retaliating, and of late the situation has been further confused by the assertion that Formosa is an "integral part of China," with the implication that it should therefore be handed over to the Communists from whom it is being illegally withheld. Peking's grievance at not being allowed to "liberate" Formosa is coupled with Peking's other grievance at not being allowed to take over China's seat in the United Nations, and it is suggested that if only America were to be reasonable and remove these two provocations against the People's Republic, there would no longer be any obstacle to a Far Eastern "settlement" which would bring about happy co-existence for all concerned. It is very difficult to indulge in wishful thinking of this kind with regard to Russia in Europe, for Russia already enjoys full rights in the United Nations and there is no Western support for a dissident government within either Soviet or satellite territory; Russian truculence cannot, therefore, be attributed to such grievances as are supposed to determine the actions of Communist China. But the example of Russia's behavior does not convince the habitual wishful-thinkers that Chou En-lai might be just as much of a nuisance to mankind if he were given Formosa and the United Nations seat—for there is always the argument that "the Chinese are not like the Russians."

There is also, as a very important factor in British thinking about China, the attitude of India. For Britain Mr. Nehru represents "Asian opinion," and that is something which must be regarded with the greatest deference. It may at first sight seem odd that Mr. Nehru should be so hostile to a regime which, even making full allowances for the contrasts between India and China, bears such a similarity to that of his own Congress party in its relation to the forces of Communist revolution. But Mr. Nehru's fundamental principle for international affairs

is that no Western power may interfere in Asia on any account whatsoever and that, if there is a conflict between an Asian and a Western power, the former must be in the right. The British have defied Mr. Nehru's disapproval in signing the Manila treaty for the defense of Southeast Asia, but they are more inclined to listen to him when he says that for the sake of peace Formosa should be handed over to the Chinese People's Republic.

FACED with a trend of public opinion extremely critical of American policy over Formosa, assailed by a parliamentary opposition lined up behind Mr. Attlee's championship of the Chinese Communist case, and itself haunted by the ever returning hope of better relations with Peking, yet at the same time anxious to avoid serious disagreement with the United States, the British government has taken refuge in a point of law. Sir Anthony Eden solemnly asserts—as is the case—that Formosa, never having been retroceded by Japan to China by a formal peace treaty, does not definitely belong to anybody in international law, but is merely Chinese-occupied territory. Thus he wards off the anti-American crusaders in the House of Commons and keeps the diplomatic door open for a future settlement by which Formosa would be kept separate from China. By this formula the British government can acquiesce in the American policy of defending Formosa without either infringing its recognition of the Chinese Communist regime as the legal government of China or giving the opposition ground for accusations of subservience to America in an aggression against Chinese territory.

The position, nevertheless, has certain disadvantages. It is the kind of legal quibble that people do not usually take seriously outside a law court; certainly it is not the kind of issue on which a nation could stand if there were a risk of war arising from it. Although Formosa has not been formally retroceded to China, there is no other country which could conceivably claim it, nor is there any national separatist movement

which could justify its constitution as an independent state apart from the retreat thither of the Chinese Nationalist government and its armed forces.

The fiction that the conflict in the Far East is over the legal ownership of Formosa, as if it were a matter of a mere territorial claim by China, merely obscures the real issue. The critics of the Churchill Cabinet have not been slow to point out that, if Formosa does not belong to China, Chiang Kai-shek has no more right to it than Mao Tse-tung, and, of course, the one point on which Chiang and Mao are both agreed is that Formosa is a part of China. The doctrine of the juridically indeterminate status of Formosa avoids any statement of the case in terms of containment of Communism, but this only gives an air of unreality to the whole contention, since everyone knows that the fight in which the Americans have intervened was and is a Chinese civil war. Finally, the formula in any case does not cover the offshore islands, which were never legally Japanese territory but are held by Nationalist garrisons more exposed to Communist attack than Formosa itself.

THE Chinese Communists have indeed no "right" to Formosa, but only to an insignificant degree is their claim invalid because of any legal flaw in the territorial title. The real reason why they have no legal right and why their pretensions should be opposed is that there has been a state of war in the Far East since 1950.

The rulers of Communist China by their own deliberate act internationalized the Chinese civil war, by first supporting, and then participating in, a war of aggression in Korea. The Nuremberg Tribunal laid it down that states of war are constituted by acts of war and do not depend on old-fashioned forms of declaration with which states in recent times have found it convenient to dispense. Locked in battle with the army of Communist China in the middle of the Korean peninsula, the forces of the United Nations Command refrained from the use of naval and air power to strike back at the

territory of their enemy; this restraint was for reasons that appeared sufficient to the governments concerned, but it was not at all because they had no right to take such action—on the contrary, they were entitled to hit the armed forces, war industries, and communications of Communist China anywhere they thought fit. That out of all they might have done to China as a belligerent the Americans confined themselves merely to protecting an island in anti-Communist hands which the Communists had not yet succeeded in taking simply means that they availed themselves of only a small fraction of their rights in international law for carrying on war against the aggressor. The present situation is essentially the same as that which has existed since 1950, except that it has been somewhat more clearly defined by the formal treaty of alliance between Washington and Taipeh. The Seventh Fleet in the Formosa Strait is simply holding the line where it has been throughout the Korean war—a front then inactive, but no less a front than was the English Channel in 1940.

The fighting in Korea was ended by a truce; the Communists after two years of haggling agreed to a cease-fire when they found that they could neither break through the United Nations lines nor obtain forcible repatriation of their prisoners from the other side. In the Formosa Strait there has so far been no truce, and the Communists, having acquired a fleet of jet aircraft from Russia and having wound up their enterprise in Korea and Indo-China, apparently think that they have prospects of a victorious offensive. If they think so, nobody can stop them from trying; the world can only wait and see how their venture turns out. But if they think they can get Formosa merely by making loud noises to alarm the world with the fear of war and by talking about American interference with their "domestic jurisdiction," then they need to be reminded—as also do many people not on the Communist side—that the present situation has arisen out of an international war which the Communists began, that the state of war

continues until ended by a formal cease-fire, and that the only possible basis for a settlement after a war which has ended in stalemate is that each side should, as in Korea, keep what it has.

AMERICA and the whole free world want a cease-fire, but there is no reason why they should buy it with concessions. Except for purposes of strategic convenience, there is no reason to yield to Communism an inch of ground it has not been able to take—not even Quemoy and Matsu. Communist China can have a cease-fire whenever it wants one, but should certainly not be encouraged to suppose that a payment can be exacted by delaying it. The American government has made it clear that its policy is strictly a defensive one and that it has no intention of trying to put Chiang Kai-shek back on the mainland of China by force. But it has also been made clear that America will go on defending Formosa and related islands just as long as the Chinese Communists go on attacking them.

The date of the cease-fire therefore depends entirely on the Communists, and there is no cause for the West to get flustered or impatient about it. If the Communists mount an offensive, it must be resisted and counter-strokes duly carried out against the harbors, airfields, and gun-sites by which it is sustained, but the enemy will be able to break off the action any time he pleases, and the cease-fire will then be no further off than it was before. If, on the other hand, no serious action comes from all Peking's menaces, then there is no urgency about a cease-fire, and the West should set itself to matching the Chinese patience in such matters. It took two years to bring about a truce in Korea after the real fight was over; perhaps this time it will take three. Nations which stand only on the defensive cannot expect their opponents to be in a hurry to terminate wars, but neither should they be frightened of delays.

IF AND when a cease-fire is agreed on, the question of a "solution" of the whole

problem of China can then be approached. There should not be any political terms involved in the cease-fire; that should be simply an agreement to stop fighting with each side keeping the positions it holds. The next step would be to negotiate as from these positions. This means that the existence of two Chinas would be accepted as the basis for a settlement. If by that time the British and American governments have been able to get down together to the essentials of the problem, and the cessation of hostilities has laid to rest the fears of a new world war which have recently provided so fertile a field for Communist propaganda aimed at dividing the two nations, a settlement should be possible on the terms that (1) the territory held by the Nationalists should be recognized as the separate sovereign state of Taiwan; (2) the Chinese People's Republic should take over China's seat in the United Nations; and (3) Taiwan should then be admitted to the United Nations as a new member.

Such a settlement would certainly be disliked both in Peking and Taipeh; it would indeed be more galling for Chiang than for Mao, for if it meant renunciation of the Communist claim to Formosa, it would also mean the Nationalists' abandonment of their claim to be the legal government of all China. But what is the alternative if it has once been made clear that the Communists cannot take Formosa and that the Nationalists cannot recover the mainland? If a war ends in a stalemate, then the only way of going on in international relations is for all parties to stay where they are—in other words, to co-exist. The Communist powers have now a great opportunity to practice the co-existence which they have so long been preaching. If, however, they refuse to recognize the independence of Taiwan as a condition of transfer of China's seat in the United Nations, then Peking can continue to stay out. There is no need to beg them to come in.

The essential thing in the Formosa crisis is to clarify the issue by stating it in its proper relation to the war which Communist

China waged in Korea and which automatically internationalized the Chinese civil war, removing it from the purely "domestic jurisdiction" which Chou En-lai now claims as if no "People's Volunteers" had ever crossed the Yalu. As a part of that war the Chinese Nationalist government in Formosa became within certain limits an ally of the United States, and no apology is needed for the American government's refusal to abandon that ally now that the Korean war itself is over. All other arguments in justification of the policy of protecting Formosa—that it is not yet juridically a part of China

or that it is essential to the strategic security of the United States—merely obscure the fundamental right of America, as a belligerent in a war in which she was not the aggressor, to protect an organized government which was resisting the same enemy in the same region of operations. It only remains to give this organized government, which was once the government of China, but now holds only certain islands in the China Sea, the international status of a separate sovereign state. It is not the first time in history that war has led to the formation of a new state.

DEATH FUGUE

PAUL CELAN

BLACK milk of the dawn we drink it evenings
 we drink it noon and morning we drink it nights
 we drink and drink
 we dig a grave in the wind you won't lie cramped there
 A man lives in the house who plays with the snakes who writes
 who writes at dusk to Germany your golden hair Margarete
 he writes it and comes out of the house and the stars twinkle he whistles
 his hounds out
 he whistles forth his Jews has a grave dug in the ground
 he orders us strike up now for the dance

Black milk of the dawn we drink you nights
 we drink you morning and noon we drink you evenings
 we drink and drink
 A man lives in the house who plays with the snakes who writes
 who writes at dusk to Germany your golden hair Margarete
 Your ashen hair Sulamith we dig a grave in the wind you won't lie
 cramped there

He cries dig deeper in the ground you ones you others sing and play
 he reaches for the iron in his belt he swings it his eyes are blue
 dig your spades deeper you ones you others keep playing for the dance

Black milk of the dawn we drink you nights
 we drink you noon and morning we drink you evenings
 we drink and drink